



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 6, 2005
Date

Phoebe E. Pogson
Phoebe E. Pogson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/654,115

Confirmation No. : 5616

Applicant : Dean A. Klein

Filed : August 30, 2000

Attorney Docket No.: 500050.01

Art Unit : 2193

Customer No. : 27,076

Examiner : Tuan A. Vu

Title : SYSTEM AND METHOD FOR DETERMINING THE CACHEABILITY OF CODE AT
THE TIME OF COMPILING

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES
AND PETITION FOR AN EXTENSION OF TIME**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences the decision of the Examiner dated June 6, 2005 rejecting claims 1-61.

Applicant hereby petitions for an additional extension of time under 37 C.F.R. § 1.136, extending the period of response two additional months, for a total three month extension to expire on December 6, 2005. A petition for a one-month extension of time was filed on September 22, 2005, with the Request for Reconsideration. If an additional extension of time is required, please consider this a petition therefor.

12/12/2005 WABDELRI 00000062 09654115

02 FC:1253

900.00 OP

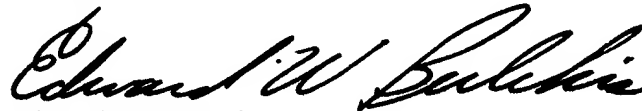
12/12/2005 WABDELRI 00000062 09654115
01 FC:1401
500.00 OP

Our check for \$1400, in accordance with applicant small/large entity status, is enclosed.

Notice of Appeal	\$	500
Extension of time fee (\$1020-120)		900
Total	\$	1400

The Commissioner is hereby authorized to charge any fees in conjunction with this communication or to credit any overpayment to Deposit Account No. 50-1266. This notice is being submitted in duplicate.

Respectfully submitted,
DORSEY & WHITNEY LLP



Edward W. Bulchis
Registration No. 26,847

EWB:pep

Enclosures:

- Postcard
- Check
- Fee Transmittal
- Copy of this Notice/Petition

1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101
Tele: (206) 903-8800
Fax: (206) 903-8820

<div style="position: relative; height: 100px;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 1px solid black; border-radius: 50%; text-align: center; line-height: 100px; font-size: 24px; font-weight: bold;">O I P E</div> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 1px solid black; border-radius: 50%; text-align: center; line-height: 100px; font-size: 12px;">PATENT & TRADEMARK OFFICE</div> </div> <p>Effective on 12/08/04 DEC 09 2005</p> <h2 style="text-align: center;">FEE TRANSMITTAL SHEET (FY 2005)</h2>		<p>Complete if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Application No.</td><td>09/654,115</td></tr> <tr><td>Filing Date</td><td>August 30, 2000</td></tr> <tr><td>First Inventor</td><td>Dean A. Klein</td></tr> <tr><td>Group Art Unit</td><td>2193</td></tr> <tr><td>Examiner Name</td><td>Tuan A. Vu</td></tr> <tr><td>Atty. Docket Number</td><td>500050.01</td></tr> </table>		Application No.	09/654,115	Filing Date	August 30, 2000	First Inventor	Dean A. Klein	Group Art Unit	2193	Examiner Name	Tuan A. Vu	Atty. Docket Number	500050.01																																																																																																
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<input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. 50-1266 ; Deposit Account Name: DORSEY & WHITNEY LLP .		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center;">3. ADDITIONAL FEES</th> </tr> <tr> <th style="width: 10%;">Large Entity Fee</th> <th style="width: 10%;">Small Entity Fee</th> <th style="width: 60%;">Fee Description</th> <th style="width: 20%;">Fee paid</th> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>130</td> <td>65</td> <td>Surcharge - Late nonprovisional filing fee or oath</td> <td>\$</td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of IDS</td> <td>\$</td> </tr> <tr> <td>40</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$</td> </tr> <tr> <td>120</td> <td>60</td> <td>Extension for reply within first month</td> <td>\$(120)</td> </tr> <tr> <td>450</td> <td>225</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>1,020</td> <td>510</td> <td>Extension for reply within third month</td> <td>\$1020</td> </tr> <tr> <td>1,590</td> <td>795</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>2,160</td> <td>1,080</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td>790</td> <td>395</td> <td>Submission After Final 1.129</td> <td>\$</td> </tr> <tr> <td>500</td> <td>250</td> <td>Notice of Appeal</td> <td>\$500</td> </tr> <tr> <td>500</td> <td>250</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td>1,000</td> <td>500</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td>130</td> <td>65</td> <td>Terminal Disclaimer Fee</td> <td>\$</td> </tr> <tr> <td>800</td> <td>400</td> <td>Design Issue Fee</td> <td>\$</td> </tr> <tr> <td>790</td> <td>395</td> <td>Request for Continued Examination (RCE)</td> <td>\$</td> </tr> <tr> <td>130</td> <td></td> <td>Request for voluntary publication or republication</td> <td>\$</td> </tr> <tr> <td>500</td> <td>250</td> <td>Petition to Revive - unavoidable</td> <td>\$</td> </tr> <tr> <td>1,500</td> <td>750</td> <td>Petition to Revive - unintentional</td> <td>\$</td> </tr> <tr> <td>200</td> <td></td> <td>Filing for patent term adjustment</td> <td>\$</td> </tr> <tr> <td>400</td> <td></td> <td>Request for reinstatement of term reduced</td> <td>\$</td> </tr> <tr> <td>1,120</td> <td></td> <td>Extension of term of patent</td> <td>\$</td> </tr> <tr> <td colspan="2">OTHER FEE (specify)</td> <td></td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Subtotal (Additional Fees)</td> <td>\$1400</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Total Amount of Payment:</td> <td>\$1400</td> </tr> </table>		3. ADDITIONAL FEES				Large Entity Fee	Small Entity Fee	Fee Description	Fee paid	50	25	Surcharge - late provisional filing fee or cover sheet	\$	130	65	Surcharge - Late nonprovisional filing fee or oath	\$	180	180	Submission of IDS	\$	40	40	Recording each patent assignment per property (times number of properties)	\$	120	60	Extension for reply within first month	\$(120)	450	225	Extension for reply within second month	\$	1,020	510	Extension for reply within third month	\$1020	1,590	795	Extension for reply within fourth month	\$	2,160	1,080	Extension for reply within fifth month	\$	790	395	Submission After Final 1.129	\$	500	250	Notice of Appeal	\$500	500	250	Filing a brief in support of an appeal	\$	1,000	500	Request for oral hearing	\$	130	65	Terminal Disclaimer Fee	\$	800	400	Design Issue Fee	\$	790	395	Request for Continued Examination (RCE)	\$	130		Request for voluntary publication or republication	\$	500	250	Petition to Revive - unavoidable	\$	1,500	750	Petition to Revive - unintentional	\$	200		Filing for patent term adjustment	\$	400		Request for reinstatement of term reduced	\$	1,120		Extension of term of patent	\$	OTHER FEE (specify)			\$			Subtotal (Additional Fees)	\$1400			Total Amount of Payment:	\$1400
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§ 1.12 for access to an assignment record. § 1.14 for access to an application. § 1.47 for filing by other than all inventors or person not the inventor. § 1.59 for expungement of information. § 1.103(a) to suspend action in an application. § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail. § 1.295 for review of refusal to publish a statutory invention registration. § 1.296 to withdraw a req. for pub. after notice of intent to publish issued. § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent. § 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings. § 1.956 for request for ext. of time in <i>ex parte</i> reexam. proceedings. § 5.12 for expedited handling of foreign filing license. § 5.15 for changing the scope of a license. § 1.5.25 for retroactive license.																																																																																																															
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§ 1.19(g) to request documents in a form other than provided in this part. § 1.84 for accepting color drawings or photographs. § 1.91 for entry of a model or exhibit. § 1.102(d) to make an application special. § 1.138(c) to expressly abandon an application to avoid publication. § 1.313 to withdraw an application from issue. § 1.314 to defer issuance of a patent.																																																																																																															